

REMARKS

The Official Action mailed March 22, 2007, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

THIRD REQUEST: The Applicant appreciates Examiner Luu's time in conducting telephonic interviews on January 4, 2007, and February 16, 2007, in which the Applicant's representative discussed the *Supplemental Application Data Sheet* filed February 4, 2005 (received by OIPE February 10, 2005), which perfected a continuation-in-part claim of domestic priority to application Serial No. 10/678,083. The CIP claim is not reflected in the Patent Application Information Retrieval (PAIR) system. During both interviews, agreement was reached that Examiner Luu will have the *Supplemental Application Data Sheet* entered into the appropriate Patent Office databases. The Applicant again respectfully requests Examiner Luu's assistance in entering the *Supplemental Application Data Sheet* and ensuring that Patent Office databases properly show the CIP claim.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on February 17, 2005; March 1, 2005; July 26, 2005; March 21, 2006; April 4, 2006; December 22, 2006; and January 5, 2007.

FOURTH REQUEST: The Applicants again note the partial consideration of the Information Disclosure Statement filed on November 4, 2004 (received by OIPE November 5, 2004). Specifically, it appears that the Examiner inadvertently overlooked the citation of the "European Search Report dated September 3, 2004 for EP 04 00 4257," which is cited in the "OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS" section of the Form PTO-1449. In order to facilitate the Examiner's consideration of the European Search Report, the Applicants previously attached a courtesy copy of the partially considered Form PTO-1449 (in the Image File Wrapper, see the "List of References cited by applicant and considered by examiner" with a Mail

Room Date of "03-03-2006" or see page 4 of 4 of the "List of References cited by applicant and considered by examiner" with a Mail Room Date of "12-01-2005"). The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the European Search Report.

FOURTH REQUEST: The Applicants still have not received acknowledgment of the Information Disclosure Statement filed on November 2, 2005 (received by OIPE November 4, 2005). The above-referenced Information Disclosure Statement appears in the Image File Wrapper, and consideration of this Information Disclosure Statement is respectfully requested.

SECOND REQUEST: An Information Disclosure Statement was filed on September 8, 2006 (received by OIPE September 11, 2006). The above-referenced Information Disclosure Statement appears in the Image File Wrapper, and consideration of this Information Disclosure Statement is respectfully requested.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 7, 8, 10-13 and 15-24 are pending in the present application, of which claims 7, 8, 12, 13, 18 and 19 are independent. Claims 13, 18 and 19 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action provisionally rejects claims 7, 8, 10-13 and 15-24 under the doctrine of obviousness-type double patenting over claims 12, 17, 18, 20, 21, 24-27 and 30-32 of copending application Serial No. 10/678,083. The Applicant respectfully submits that independent claims 7, 8, 12 and 13 and amended independent claims 18 and 19 of the subject application are patentably distinct from the claims of the '083 application.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application

must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicant respectfully traverses the obviousness-type double patenting rejection. Independent claims 18 and 19 have been amended to recite a first positional relation between the first and second laser beams. Specifically, claims 18 and 19 have been amended to recite that "an irradiation area of the second laser beam overlaps at least the first portion of the irradiation area of the first laser beam," which is supported in the present specification, for example, by original claim 7.

Independent claims 7 and 12 recite a second positional relation between the elongated beam and the second laser beam. Specifically, claims 7 and 12 recite that "an irradiation area of the second laser beam overlaps at least the first portion of the irradiation area of the elongated beam." Independent claims 8 and 13 recite a third positional relation between the elongated beam and the second laser beam. Specifically, claims 8 and 13 recite that "the second portion of the irradiation area of the second laser beam overlaps at least the first portion of the irradiation area of the elongated beam." Therefore, all of the pending claims, including amended claims 18 and 19, recite one of the first to third positional relations. That is, since the first portion is defined as "said first portion having a lower energy density than the second portion," all of the pending claims, including amended claims 18 and 19, are directed to an energy profile of the first (elongated) and second laser beams.

On the other hand, claims 12, 17-18, 20-21, 24-27 and 30-32 of the '083 application do not teach or suggest the above-referenced features including, for example, the features directed to an energy profile of the first (elongated) and second laser beams.

Therefore, the claims of the present application are not a timewise extension of the invention as claimed in the '083 application. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

Also, at this opportunity, the Applicant has amended a minor typographical error in claim 13 as shown above.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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